

Writer's direct Tele.: (631) 531-1193
Writer's direct Fax: (631) 531-1340

Estee Lauder Companies**Fax**

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MAY 23 2003

PETITIONS OFFICE

To:	OFFICE OF PETITIONS	From:	Peter Giancana ESTEE LAUDER COMPANIES 125 Pinelawn Road Legal Dept. - Research Park Melville, New York 11747 Ext. (631) 531-1193 Fax: (631) 531-1340
Fax:	703-308-6916	Pages:	89 Including Cover Page
		Date:	MAY 23, 2003
Re:	09/580,743		99.01

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PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/580743	
	Filing Date	May 26, 2000	
	First Named Inventor	GEORGE, L.	
	Art Unit	1712	
	Examiner Name	R. LOVERING	
Total Number of Pages in This Submission	98	Attorney Docket Number	99.01

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition TO REVIVE <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): ASSOCIATE PBA
Remarks ASSOCIATE POWER OF ATTORNEY DATED DEC 13, 2001 ESTABLISHES THAT PETITIONER IS PARTY RESPONSIBLE FOR PROSECUTING THE APPLICATION AT TIME OF ABANDONMENT		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	Karen A. Lowney	
Signature		
Date	May 23, 2003	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: May 23, 2003		
Typed or printed	Peter Giancana	
Signature		Date May 23, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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PTO/SB/17 (05-03)

Approved for use through 04/30/2003. OMB 0651-0032
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FEE TRANSMITTAL
for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) **2,230****Complete if Known**

Application Number	08/580743
Filing Date	May 26, 2000
First Named Inventor	GEORGE
Examiner Name	R. LOVERING
Art Unit	1712
Attorney Docket No.	99.01

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MAY 23 2003

PETITIONS OFFICE

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number: 05-1320

Deposit Account Name: Estee Lauder

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65			Surcharge - late filing fee or oath	
1052 50	2052 25			Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130			Non-English specification	
1812 2,520	1812 2,520			For filing a request for ex parte reexamination	
1804 920*	1804 920*			Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*			Requesting publication of SIR after Examiner action	
1251 110	2251 55			Extension for reply within first month	
1252 410	2252 205			Extension for reply within second month	
1253 930	2253 465			Extension for reply within third month	930
1254 1,450*	2254 725			Extension for reply within fourth month	
1255 1,970	2255 985			Extension for reply within fifth month	
1401 320	2401 160			Notice of Appeal	
1402 320	2402 160			Filing a brief in support of an appeal	
1403 280	2403 140			Request for oral hearing	
1451 1,510	1451 1,510			Petition to institute a public use proceeding	
1452 110	2452 55			Petition to revive - unavoidable	
1453 1,300	2453 650			Petition to revive - unintentional	1300
1501 1,300	2501 650			Utility issue fee (or reissue)	
1502 470	2502 235			Design issue fee	
1503 630	2503 315			Plant issue fee	
1460 130	1460 130			Petitions to the Commissioner	
1807 50	1807 50			Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180			Submission of Information Disclosure Stmt	
8021 40	8021 40			Recording each patent assignment per property (times number of properties)	
1809 750	2809 375			Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375			For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375			Request for Continued Examination (RCE)	
1802 900	1802 900			Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 2230

SUBMITTED BY

Name (Print/Type) Karen A. Lowney

Registration No. 31274
(Attorney/Agent)

(Complete if applicable)

Telephone 631-531-1191

Signature

Date May 23, 2003

WARNING : Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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17

Attorney Docket No.: 2870/289

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: GEORGE et al.

Serial No.: 09/580,743

Group Art Unit: 1712

Filed: May 26, 2000

Examiner: R. Lovering

For: WATER-THIN EMULSIONS WITH LOW EMULSIFIER LEVELS

FAX RECEIVED
MAY 23 2003
PETITIONS OFFICEASSOCIATE POWERAssistant Commissioner for Patents
Washington, DC 20231

Sir:

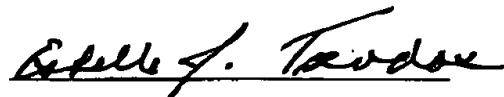
I, the undersigned attorney of record in the above-identified application, hereby appoint the following practitioners to prosecute the above-referenced application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office in connection therewith.

Karen A. Lowney, Esq. (Reg. No. 31,274)
Peter M. Giancana, Agent (Reg. No. 44,706)
Martin W. Haerter, Esq. (Reg. No. 37,842)
Dorene M. Price, Esq. (Reg. No. 43,018)

Please change the correspondence address relating to this application to the following.

Karen A. Lowney, Esq.
Estee Lauder Companies
125 Pinelawn Road
Melville, NY 11747
USA
Phone: (631) 531-1191
Fax: (631) 531-1340

Respectfully submitted,

Dated: December 13, 2001

Estelle J. Tsevdos, Reg. No. 31,145
Kenyon & Kenyon
One Broadway
New York, NY 10004
(212) 425-7200

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MAY 23 2003

#15

PTO/SB/64 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PETITIONER'S OFFICE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

99.01

First named inventor: GEORGE, L.Application No.: 09/580743Art Unit: 1712Filed: MAY 26, 2000Examiner: R. LEVERINGTitle: WATER THIN EMULSIONS WITH LOW EMULSIFIER
LEVELS

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

(1) Petition fee; ✓

(2) Reply and/or issue fee; ✓

(3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and

(4) Statement that the entire delay was unintentional. ✓

1. Petition fee☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ 1300 (37 CFR 1.17(m))**2. Reply and/or fee.**

A. The reply and/or fee to the above-noted Office action in

the form of AMENDMENT UNDER 37 CFR 1.115 (identify type of reply):☐ has been filed previously on _____☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been paid previously on _____☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete,
including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments
on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent
and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS
ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

06/03/2003 09:00:00 00000025 051320 09580743

01 JUN 2003 1300:00 CH

PTO/SB/64 (05-03)

Approved for use 04/30/2003. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

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MAY 23, 2003
Date

Telephone
Number: 631-531-1191

Karen A. Lounney
Signature

KAREN A. LOUNNEY #312TH
Typed or printed name

ESTEE LAUDER
Address

125 PINELAWN RD., MELVILLE, NY
Address

11747

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: TRANSMITTAL, FEE TRANSMITTAL, ASSOCIATE POWER OF ATT.

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

MAY 23, 2003
Date

Peter Gianiana
Signature

PETER GIANIANA
Type or printed name of person signing certificate

#16/c

Attorney Docket No.: 2879/289(99.01)

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PETITIONS OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : George et al.

Serial No.: 09/580,743

Group Art Unit: 1712

Filed: May 26, 2000

Examiner: R. Lovering

For: WATER-THIN EMULSIONS WITH LOW EMULSIFIER LEVELS

clear for
any 028

AMENDMENT UNDER 37 CFR 1.115

Assistant Commissioner of Patents

Washington, D.C. 20231

2 C 7-9, 19-30, 34-44
3 7-42 & 44

Sir:

035439

In response to the office action dated October 23, 2002, please enter the following amendment.

= cl 7, 8, 19-30, 34-44, 37, 40-42 & 44

IN THE CLAIMS:

Please cancel claim 4 without prejudice.

not recommended
language
or available

REMARKS

I. Rejection under 35 USC §102(e)

Claim 1 has been rejected under 35 USC §102(e) as being anticipated by Franco et al. It is asserted that Franco does disclose a pseudoemulsifier as required by present claim 1.

Although it is believed that the rejection is in error, in order to advance prosecution, claim 1 has been cancelled. Applicant reserves the right to pursue the subject matter of this claim in a continuation application. In view of the cancellation of this claim, however, the rejection is rendered moot.

II. Rejection under 35 USC §102 (a)

Claim 9 has been rejected as being anticipated under 35 USC §102(a) by Yoneda WO 99/62482. In particular, the Examiner notes Example 4 as being particularly relevant.

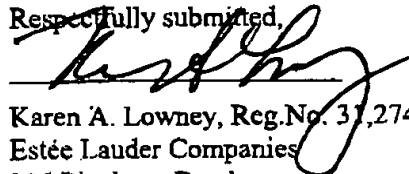
It is believed a careful reading of the Yoneda document, in particular the substance of Example 4, will show that this rejection is in error. First, it will be noted that the rejected claim in question relates to a water-thin emulsion comprising a non-phospholipid, non-ethoxylated pseudoemulsifier system, the system having a chemical composition with at least one hydrophobic moiety and at least one polar moiety, the size, shape and/or planar arrangement of the hydrophobic and polar moieties being asymmetrical with respect to each other, in which the pseudoemulsifier is surfactin. Applicants have not been able to identify any disclosure in Yoneda in which a water-thin emulsion of any kind is disclosed. In particular, Applicants have carefully read cited Example 4, and are quite certain a water thin emulsion is not disclosed therein. Attention is first drawn to the nature of the product being disclosed in this example: it is described as a "pack" which is, in cosmetic parlance, a product that adheres to the skin and stands on its own, hardly a characteristic of a water thin emulsion. Moreover, if one examines the components of the product, it is very clear that it contains an abundance of film forming agents and thickeners, i.e. over 14% of polyvinyl alcohol and over 4% of sodium carboxymethylcellulose. With this level of thickeners present, there is little likelihood of the product being water-thin, as required by the present claim 9. More importantly, however, it appears that the product is not even an emulsion. There is apparently no oil at all in the product, and thus the product represents a single aqueous phase, not an emulsion at all. Thus, the Yoneda disclosure is missing an essential component of the present claims, namely a water thin emulsion. In the absence of this disclosure, the reference cannot be said to anticipate present claim 9. Claim 9 should therefore be allowable. Claims 35 and 39 have been rejected as depending on rejected base claim 9, but in view of the showing above that claim 9 is not anticipated by the cited reference, and is therefore allowable, claims 35 and 39 should also be allowable. Withdrawal of the rejection of these claims is therefore respectfully requested.

not found

CONCLUSION

In view of the cancellation of claim 1 and the arguments presented herein, the remaining present claims are believed to be in condition for allowance, and prompt issuance of a Notice of Allowance is respectfully solicited. The Examiner is encouraged to contact the undersigned by telephone if it is believed that discussion will resolve any outstanding issues.

Respectfully submitted,



Karen A. Lowney, Reg. No. 31,274
Estée Lauder Companies
125 Pinelawn Road
Melville, NY 11747
(631)531-1191